



Digital Economy Act 2010

2010 CHAPTER 24

Public lending right

43 Public lending right

- (1) Section 5(2) of the Public Lending Right Act 1979 (interpretation) is amended as follows.
- (2) Before the definition of “local library authority” insert—
 - ““author”, in relation to a work recorded as a sound recording, includes a producer or narrator;
 - “book” includes—
 - (a) a work recorded as a sound recording and consisting mainly of spoken words (an “audio-book”), and
 - (b) a work, other than an audio-book, recorded in electronic form and consisting mainly of (or of any combination of) written or spoken words or still pictures (an “e-book”);
 - “lent out”—
 - (a) means made available to a member of the public for use away from library premises for a limited time, but
 - (b) does not include being communicated by means of electronic transmission to a place other than library premises,and “loan” and “borrowed” are to be read accordingly;
“library premises” has the meaning given in section 8(7) of the Public Libraries and Museums Act 1964;”.
- (3) After the definition of “prescribed” insert—
 - ““producer” has the meaning given in section 178 of the Copyright, Designs and Patents Act 1988;”.
- (4) At the end of the definition of “the register” omit “and”.
- (5) After the definition of “the Registrar” insert—

Status: This is the original version (as it was originally enacted).

““sound recording” has the meaning given in section 5A(1) of the Copyright, Designs and Patents Act 1988.”

- (6) The Copyright, Designs and Patents Act 1988 is amended as follows.
- (7) In section 40A (permitted acts in relation to copyright works: lending of copies by libraries or archives), for subsection (1) substitute—
- “(1) Copyright in a work of any description is not infringed by the following acts by a public library in relation to a book within the public lending right scheme—
- (a) lending the book;
- (b) in relation to an audio-book or e-book, copying or issuing a copy of the book as an act incidental to lending it.
- (1A) In subsection (1)—
- (a) “book”, “audio-book” and “e-book” have the meanings given in section 5 of the Public Lending Right Act 1979,
- (b) “the public lending right scheme” means the scheme in force under section 1 of that Act,
- (c) a book is within the public lending right scheme if it is a book within the meaning of the provisions of the scheme relating to eligibility, whether or not it is in fact eligible, and
- (d) “lending” is to be read in accordance with the definition of “lent out” in section 5 of that Act (and section 18A of this Act does not apply).”
- (8) In Schedule 2, in paragraph 6B (permitted acts in relation to performances: lending of copies by libraries or archives)—
- (a) at the beginning insert—
- “(A1) The rights conferred by this Chapter are not infringed by the following acts by a public library in relation to a book within the public lending right scheme—
- (a) lending the book;
- (b) in relation to an audio-book or e-book, copying or issuing a copy of the book as an act incidental to lending it.
- (A2) Expressions used in sub-paragraph (A1) have the same meaning as in section 40A(1).”;
- (b) in sub-paragraph (2), for “this paragraph” substitute “sub-paragraph (1)”.